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09/391,782 09/08/99 OWEN

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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 11

Application Number: 09/391,782
Filing Date: September 08, 1999
Appellant(s): OWEN ET AL.

Kyle Epele
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 10-9-01.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 2-6, 8, 13, 14-17, 18 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

Art Unit: 3661

6006158	Pilley et al	12-1999
6151023	Chari	11-2000
5801942	Nixon et al	9-1998
6154790	Pruett et al	11-2000
6112140	Hayes et al	8-2000
6128553	Gordon et al	10-2000
6038498	Briffe et al	3-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371[®] of this title before the invention thereof by the applicant for patent.

2. Claims 2- 6, 8, 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Briffe et al (6038498).

Regarding claim 2, Briffe et al disclose an avionics FMS comprising:

Art Unit: 3661

a source of FMS route data (MAU 65d, fig. 2; col. 5, line 40);

a display (16, 18, 20, 22, fig. 2) coupled to said source of FMS route data (MAU 65d) for visually presenting said FMS route data;

a configurable route window (figs. 9, 12, 14, 15, 16, 22; col. 18, lines 41+; col. 11, lines 1-37) presented on said display (16, 18, 20, 22, fig. 2);

said configurable route window (figs. 9, 12, 14, 15, 16, 22; col. 18, lines 41+; col. 11, lines 1-37) has a configurable window size (col. 11, lines 5-7; col. 18, lines 41+);

said display (16, 18, 20, 22, fig. 2) presents an adaptive graphical map segment (col. 11, line 1, figs. 14, 15); and

wherein said adaptive graphical map segment (col. 11, line 1, figs. 14, 15) adapts to a sized characteristic of said configurable route window (col. 11, lines 5-7).

Regarding claim 3, Briffe et al disclose the avionics display of claim 2 wherein said configurable route window includes a vertical route window expansion/contraction button (see trackballs 44, etc controlling cursor, col. 11, lines 12-15).

Regarding claim 4, Briffe et al disclose the avionics display of claim 3 wherein said vertical route window expansion/contraction button (see trackballs 44, etc) is a vertical route window expansion/contraction variable direction indicating button (also see "menu driven system " col. 11, line 3; see also col. 12, lines 1-35).

Regarding claim 5, Briffe et al disclose the avionics display of claim 4 wherein said vertical route window expansion/contraction variable direction indicating button (see trackballs 44, etc) is a vertical route window expansion/contraction variable direction double chevron button.

Art Unit: 3661

Regarding claim 6, Briffe et al disclose the avionics display of claim 3 wherein said configurable route window includes a horizontal route window expansion/contraction button (see trackballs 44, etc).

Regarding claim 7, Briffe et al disclose the avionics display of claim 2 wherein said adaptive graphical map segment (col. 11, line 1) adapts to a sized characteristic (col. 12, lines 30+, figs 9&10) of said configurable route window (figs. 9 etc).

Regarding claim 8, Briffe et al disclose the avionics display of claim 7 wherein said configurable route window (figs. 9, 15, 16, 22; col. 11, lines 1-37) includes a plurality of display format parameter control buttons (see for e.g. RNG, menu of fig. 9; HDG, A/C, TO, etc fig. 15).

Regarding claim 13, Briffe et al disclose the apparatus of claim 5 wherein said configurable route window (figs. 9, 15, 16, 22; col. 11, lines 1-37) includes a plurality of display format parameter control buttons (see for e.g. RNG, menu of fig. 9; HDG, A/C, TO, etc fig. 15);

and wherein each of said plurality of display format parameter control buttons includes a plurality of selectable regions thereon (see the figures; col. 11, lines 20+) which are independently capable of being highlighted to indicate a selection status.

Regarding claim 14, Briffe et al disclose an avionics display comprising:

means (16, 18, 20, 22, fig. 2) for presenting a size configurable window (122, fig. 9) of route information relating (figs 5, 9, 10, etc) to a predetermined route of an aircraft;

means (16, 18, 20, 22, fig. 2) for graphically presenting a map (see map fig. 9) relating to information relating to said predetermined route of said aircraft; and

wherein said window (122, fig. 9) is simultaneously presented with said map (see map fig. 9)

Art Unit: 3661

Regarding claim 15, Briffe et al disclose the avionics display of claim 14 wherein said means (16, 18, 20, 22, fig. 2) for presenting a configurable window (122, fig. 9) includes a first means (cursor, col. 11, lines 12-30) for size adjustment of said configurable window (122, fig. 9).

Regarding claim 16, Briffe et al disclose the avionics display of claim 15 wherein said means (16, 18, 20, 22, fig. 2) for presenting a size configurable window (122, fig. 9) includes a second means (trackballs 44, switches etc 48, 50, 52; col. 11, lines 12-30) for size adjustment of said configurable window (122, fig. 9).

Regarding claim 17, Briffe et al disclose the avionics display of claim 14 wherein said means (16, 18, 20, 22, fig. 2) for presenting a size configurable window (122, fig. 9) includes a means (cursor, col. 11, lines 12-30) for altering a content characteristic of said configurable window (122, fig. 9).

Regarding claim 18, Briffe et al disclose a method of adjusting a display of FMS information to a pilot comprising the steps of:

providing a display (see fig. 9) of FMS information in a tabular textual format (see 122, fig. 9) in a section (122, fig. 9) of an avionics display (fig. 9);

positioning a cursor (cursor, col. 11, lines 12-30) over a predetermined position in said section (122, fig. 9) and providing a selection input signal (clicking the cursor) having a characteristic associated with said predetermined position (col. 11, lines 12-30); and

adjusting a size characteristic (clicking on INIT for example in fig. 9; col. 12, lines 30+) of said section (122, fig. 9) in response to said selection input signal.

Regarding claim 19, Briffe et al disclose the method of claim 18 wherein said step of adjusting a characteristic includes changing a size (encompasses entire screen, col. 12, line 31) characteristic of said section.

Regarding claim 20, Briffe et al disclose the method of claim 18 wherein said step of adjusting a characteristic includes changing (clicking on INIT for example in fig. 9) an information content characteristic of said section (122, fig. 9).

(11) *Response to Argument*

Applicant's arguments filed 10-9-01 have been fully considered but they are not persuasive.

The applicant is arguing that Briffe et al do not disclose a map display which has a size configurable route window. In response, the examiner strongly disagrees. The examiner believes the applicant has misinterpreted the Briffe et al (6038498) reference. To clarify matters, Briffe et al disclose displays 16, 18, 20, 22 for example including Multi Function Display 18, 20 (MFD, fig. 1). These displays are further shown individually in greater detail in figs 3-15, 21-24. Briffe in col. 11, lines 1+ disclose that the surface of the screens of display 18, 20 can be divided into six windows of $1/6$ the total size of the screen. They further disclose that the different windows displayed will encompass a total size that is a multiple of $1/6$ the available space. That is Briffe et al is saying that many windows can be displayed for example on the screen 18, 20 and if the windows are displayed, the total size of all the windows displayed will add up to $1/6$ the size of the whole screen size or the total size of all the displayed windows can be $1/3$ of the total size of the available screen, and so forth $1/2$, $2/3$, $5/6$, 1. This shows that the total size of the windows on the MFD or screens 18, 20 changes in size and when the windows all occupy the

Art Unit: 3661

screen, their total size becomes 1, which is the full screen size of display 18, 20. The applicant argues that these windows are fixed in size. The examiner disagrees because if these windows were fixed in size, they would not occupy different sizes such as $\frac{1}{2}$, $\frac{2}{3}$, $\frac{5}{6}$, etc of the total screen size of the displays 18, 20. The applicant is particularly referred to figs 12, 14, 15, 16 and 24. By operation of the track ball 44 and knobs 544, the size of the circular chart has diminished in fig. 12 compared to figs 14, 15, 16, and 22. As seen in fig. 12, there is a route configurable size window 126 at the top. The same can be said for figs. 14-16, and 22, which are similar to fig. 12. When the waypoint list (WPT LIST) fig. 14 is selected, a different route configurable size window appears in fig. 16. Then the zoom knobs 544 (col.18, lines 41+; col. 32, lines 38+) are used for adjusting the size of the route windows and charts. Therefore Briffe et al disclose a size configurable route window. In addition, in fig. 9 a route window (see applicant's definition of route window in their arguments) 122 is shown. This route window 122 is called up by the pilot (col. 12, lines 1+). This particular route window 122 must occupy a size which is a multiple of $\frac{1}{6}$ the available surface of the MFD 18, 20 as already described above. Therefore, according to the above explanation by Briffe et al, when the pilot does not call up the window 122, it occupies no space on the screens 18, 20. On the other hand, when the pilot calls up the route window 122, this window occupies space on the screens 18, 20. Still further, when the pilot closes the route window 122, the size of the route window diminishes as this window is closed since this particular window occupies no space on MFD or screens 18, 20. Therefore, route window 122 is size configurable as claimed. In addition, this route window 122 has many entries. Clicking on one of the entries displays another route window on the MFD 18, 20 as shown in fig. 21. Now, in fig. 21, the route window has occupied the whole screen surface (col.

Art Unit: 3661

30, lines 43+). That is 1x total size of the screen as specified by Briffe. So, it can be seen that the route window is configurable in size. Still further, figure 10 shows another size configurable route window derived from fig. 9. If "NAVLOG" fig. 9 is clicked, the size of the route window changes and it is displayed in fig. 11 (col.12). Still further, col. 18, lines 41+ of Briffe disclose configuring the size of a route window by adjusting a zoom scale. The examples just go on and on. Therefore, Briffe et al disclose a route window with a configurable size.

Next, the applicant argues that if Briffe et al correctly disclose a route window, then they don't disclose a graphical map segment. The examiner disagrees. These limitations were not disclosed to be mutually by neither the applicant nor Briffe et al. As already disclosed in col. 12, if "NAVLOG" fig. 9 is clicked, the size of the route window changes and is displayed in fig. 11. In addition, when "SENSORS" is clicked in route window of fig. 9, the size of the route window changes and is displayed in fig. 24 (col. 14, lines 13+). Figure 24 compared to figs. 12 and 14 show a graphical map which adapts in size by adjusting knob 544, RNG (MAP) as seen in Briffe col. 18, lines 41+. The range scale allows for adjustment of zoom. Zoom is a commonly used term in window size adjustment in computers. Recall that Briffe et al col. 11, lines 12-15 had indicated that the cursor or track balls 44, etc are used in a manner commonly known in the personal computer world.

Still further, the applicants argue that Briffe et al does not disclose a button having a variable direction. The examiner disagrees. Briffe et al cols. 4, lines 60+; col. 18, lines 41+ describe a track ball 44 having a variable direction.

Art Unit: 3661

Lastly, Briffe et al as in claim 13 disclose format parameter control buttons. That is the format of a parameter (such as chart management, or chart scale or size) is controlled by control buttons 44, 46, etc (col. 18, lines 41+).

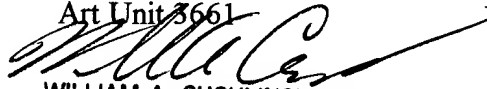
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

William Cuchlinski

Examiner

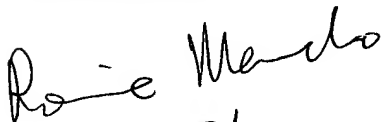
Art Unit 3661


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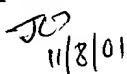
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11-7-01

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Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ronnie Mancho, Phone # 703 305-6318. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, William Cuchlinski could be reached at 703-308-3873.

Application/Control Number: 09/391,782

Page 11

Art Unit: 3661

Any inquiry of a general nature or relating to the status of this application or proceeding should be forwarded to the Group receptionist at 703-308-1113.

Ronnie M. Mancho

November 3, 2001